

299. A method according to claim 296, further comprising reacting dihydrino molecules react with protons to form trihydrino molecular ions, and reacting said trihydrino molecular ions with said at least one other element to form said compound.- -

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1- 299 are pending in the application.

Claims 62 and 64 have been amended as suggested by the Examiner to address a minor informality only. No claims have been amended to overcome prior art.

Basis for new claims 65 to 280 and 296 to 299 can be found in the originally filed specification and claims. No new matter has been added. No claims have been amended to overcome prior art.

New method claims 281 to 295 recite suitable catalysts for forming hydrino atoms, which hydrino atoms are used to form the novel compounds claimed. Basis for these catalysts can be found in the present specification and Applicants prior applications PCT/US90/1998; PCT/US91/8496; PCT/US94/02219; and PCT/US96/07949, which are incorporated by reference on page 3, lines 26-27 of the present specification. No new matter has been added. No claims have been amended to overcome prior art.

The Applicant's counsel thanks Examiner Kalafut for the courtesy extended during the personal interview of June 23, 1999. It is sincerely believed that the interview advanced the prosecution of the application.

The rejection of claims 1-64 under 35 U.S.C. § 101 is respectfully traversed. The Applicant respectfully submits that in advancing this rejection, two incorrect assumptions were made based on statements by Applicant, taken out of context, namely:

(1) hydrino atoms (lower energy hydrogen atoms) cannot react with anything, except another hydrino atom; and

(2) hydrino atoms are so small that they will pass through the walls of whatever container they are formed in. Based on these assumptions, it is respectfully submitted that

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the Examiner improperly concluded that it would be impossible to produce something else from hydrino atoms under all conditions, since they can neither be contained nor reacted (except with another hydrino atom). [See May 23, 1999 Office Action at paragraph 2.]

As explained during the June 23, 1999 personal interview, and acknowledged by the Examiner in the Interview Summary, Applicant's statements referred to in the Rosenblum newsletter and interview do not limit hydrino atoms to reactions with only other hydrino atoms, and do not imply that hydrino atoms cannot be suitably contained. Therefore, as the Examiner has already acknowledged, it would indeed be possible to produce something else from hydrino atoms, namely the novel claimed compounds.

More specifically, as discussed during the personal interview, the cited Rosenblum newsletter and interview contain generalized statements made in reference to specific environmental concerns raised by Rosenblum. Applicant did not convey to Rosenblum in any way, shape, or form that the novel hydrinos are incapable of forming compounds under all conditions. Indeed, the present specification describes in clear and precise detail suitable conditions for making the claimed novel hydrino compounds.

It is important that the statements made by the Applicant, and relied upon by the Examiner, be taken in their proper context. For example, on pages 2-3 of the Rosenblum interview, Rosenblum posed the question "They [referring to hydrinos], from what I have read, go off into space but would they also combine with oxygen and form water?". In response, the Applicant accurately stated that hydrino atoms cannot react to form ordinary water by reaction with oxygen since the hydrino atoms are at an energy state lower than normal hydrogen atoms. Under ordinary ambient conditions, the hydrino atoms cannot convert back to normal hydrogen atoms. Such conversion would require a very large amount of energy, such as that from a cosmic ray or very high energy particle. To emphasize this point only, the Applicant stated that the electron in the hydrino atom is "at such a very very low level, it's impossible for it to react with anything other than another low energy hydrogen atom." These statements by the Applicant clearly were in response to a specific question regarding the formation of ordinary water containing normal hydrogen atoms by reaction with oxygen, and thus in no way infer that hydrino atoms cannot be

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reacted to form other compounds under suitable conditions. Thus, when read in context, Applicant's statement that "it's impossible for [a hydrino] to react with anything other than another low energy hydrogen atom" clearly refers to non-reactions with various forms of oxygen, such as O, O₂, and O₃, to form ordinary water. It should also be noted that the Applicant, understandably, did not volunteer to Rosenblum that hydrino atoms could form other compounds under suitable conditions to avoid public disclosure of the present invention at that time.

Applicant also did not convey in the Rosenblum newsletter and interview that hydrinos cannot be suitably contained under all conditions. In fact, Applicant stated just the opposite. For instance, on page 7 of the interview, Applicant stated that the hydrinos could be contained in a Mylar balloon for some period of time. Applicant also conveyed to Rosenblum that the hydrinos had been suitably contained in energy cells as demonstrated by the cell reactions described on page 7 of the interview.

Applicant merely conveyed in the Rosenblum newsletter and interview, as would be well understood by those skilled in the art, that the novel hydrino atoms and dihydrino molecules are difficult to store. Applicant did not convey that the hydrino atoms and molecules could not be contained. Dihydrino molecules and hydrino atoms, like hydrogen molecules and atoms, are very small and thus are capable of dispersing through seals and minute cracks in containers over time. The fact that some dihydrino molecules or hydrino atoms can diffuse out of the container, does not mean that the dihydrino molecules or hydrino atoms cannot be suitably contained in sufficient amount and for sufficient time to conduct the desired reactions. To the contrary, as described in the present specification, and acknowledged by the Examiner in the Interview Summary, hydrino atoms and dihydrino molecules can be suitably contained and used to form the claimed hydrino compounds.

For these reasons, the Applicant respectfully submits that the claimed invention fully complies with Section 101. Accordingly, withdrawal of the Section 101 rejection is respectfully requested.

The rejection of claims 1-64 under 35 U.S.C. § 112, first paragraph, is respectfully

traversed. Applicant respectfully submits that to the extent that the Examiner has based this rejection on the Rosenblum newsletter and interview this rejection is misplaced for the same reasons discussed above with regard to the Section 101 rejection.

With regard to the other basis for the Examiner's Section 112, first paragraph, rejection - - that the specification does not show how to make each hydride of the respective binding energy level, or give guidelines as to how the use of different catalysts results in a respective binding energy - - Applicant believes that the personal interview was particularly helpful in demonstrating that the present specification does indeed fully enable one skilled in the art to form the different hydride energy levels as claimed. The Interview Summary reflects this fact, noting that "information was given relating hydrogen binding energy to ionization energies of numerous atoms, which would allow the creation of compounds with a desired energy level for hydrogen." The information given during the Interview relating to energy levels of hydrogen is fully disclosed in the present specification.

For these reasons, the Applicant submits that the specification fully enables one skilled in the art to practice the invention recited in claims 1-64 without undue experimentation. Accordingly, withdrawal of the Section 112, first paragraph, rejection is respectfully requested.

The rejection of claims 1-64 under 35 U.S.C. § 112, second paragraph, is respectfully traversed in part and mooted in part. The part of the Section 112 rejection regarding claims 62 and 64 is moot in view of the above-noted claim amendments intended to correct the minor informality noted by the Examiner.

The part of the Section 112 rejection relating to the alleged incompleteness of the claims is respectfully traversed. As discussed during the personal interview, the experimental evidence disclosed in the present specification clearly demonstrates the formation of the claimed hydride ions. The Applicant respectfully submits that the Examiner's request to limit the claimed invention to only those embodiments in which both a positive and negative ion are present in perfect balance to conserve charge is improper and unfair in light of the extensive disclosure provided in the present application. The Applicant further submits that the claims fully comply with the requirements of the well-

known law of Conservation of Charge, which does not require a neutral charge, but rather requires only that charge be conserved. Thus, the charge can be neutral, negative or positive. Furthermore, there is no requirement in the Patent Laws, Patent Rules, or MPEP that the claims must recite a neutral charge. Section 112, second paragraph, requires only that the invention be claimed by "particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." Applicant has particularly pointed out and distinctly claimed the novel hydride ions described in detail in the present specification and nothing in the Examiner's rejection suggests otherwise.


For these reasons, the Applicant submits that claims 1-64 fully comply with Section 112, second paragraph. Accordingly, withdrawal of the Section 112, second paragraph, rejection is respectfully requested.

The objection to the disclosure on page 70 regarding hydrogen having two covalent bonds is respectfully traversed. As discussed during the personal interview, and reflected in the Interview Summary, novel bonding arrangements and, thus, different forms of hydrogen are indeed possible with Applicant's novel lower energy hydrogen as disclosed in the present specification. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

In view of all of the objections and rejections of record having been addressed, it is sincerely believed that the subject application is in condition for allowance and Notice to that effect is respectfully requested.

Respectfully submitted,

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